

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.;
STEVEN M. LEFF; RACHEL M. LEFF;
RICHARD A. LEFF; JOHN DOES 1–100,

Defendants.

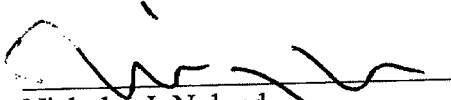
Case No.: 07 cv 6865 (LTS)

**AFFIDAVIT OF NICHOLAS J.
NYLAND IN SUPPORT OF
INDYMAC'S MOTION FOR AN
ORDER OF ATTACHMENT,
TEMPORARY RESTRAINING
ORDER, PRELIMINARY
INJUNCTION, AND EXPEDITED
THIRD-PARTY DISCOVERY**

State of California)
) ss.:
County of Los Angeles)

Nicholas J. Nyland, being duly sworn, deposes and states the following under penalty of perjury:

1. I am a First Vice President for Risk Management/Quality Control for the plaintiff, IndyMac Bank, F.S.B. ("IndyMac"). In that capacity, I affirm the within facts based on my personal knowledge, unless otherwise stated upon information and belief.
2. I submit this affidavit to revise my affidavit of August 1, 2007.
3. Upon further investigation by IndyMac, it now appears, upon information and belief, that the \$33,716 check written to Honda Finance by National Settlement Agency in connection with the Penny Mortgage (Loan No. 126383851) did in fact clear.
4. Thus, the total amount of unpaid items arising out of the National Settlement Agency closings complained of is \$2,315,434.00.


Nicholas J. Nyland
For IndyMac Bank, F.S.B.

Sworn to before me this 29th day of August, 2007
at Pasadena, California.

Mary F. Melbar
Notary Public

Stamp/Seal:

